

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-20 are now pending, wherein claims 2 and 7 are amended and claims 19 and 20 are new. Specifically, claim 2 is amended to correct a typographical error and claim 7 is amended into independent form.

Applicant notes with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on February 26, 2004.

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 5,957,985 to Wong et al. ("Wong") and U.S. Patent No. 6,463,535 to Drews ("Drews"). This ground of rejection is respectfully traversed.

The combination of Wong and Drews does not render claim 1 obvious because the combination does not disclose or suggest all of the elements of Applicant's claim 1. For example, the combination does not disclose or suggest "signing the software against falsification" or "checking the signed software for integrity" as recited in Applicant's claim 1.

The Office Action acknowledges that Wong does not disclose or suggest these elements, and instead relies upon Drews. Drews discloses a system for

verifying the integrity of a boot image 140. In the system of Drews a signed manifest 150 corresponding to the boot image 140 is downloaded to a local platform 120. Integrity of boot image 140 is determined using a hash value. Specifically, "a hash value of the downloaded boot image is calculated and compared with the secure hash value contained in the signed manifest."¹

Drews does not, however, disclose that boot image 140 is signed. Accordingly, Drews cannot disclose or suggest "signing the software against falsification" or "checking the signed software for integrity" as recited in Applicant's claim 1. Therefore, the combination of Wong and Drews cannot render claim 1 obvious.

Dependent claims 2-6 and 8-18 are patentably distinguishable over the combination of Wong and Drews at least by virtue of their dependency from claim 1.

Claim 7 has been amended into independent form by incorporating all of the elements of claim 1. Accordingly, claim 7 is patentably distinguishable over the combination of Wong and Drews for similar reasons to those discussed above with regard to claim 1.

Moreover, the combination of Wong and Drews does not disclose or suggest that "a clearing code site signature certificate, a software signature certificate,

¹ Col. 5, lines 56-58.

clearing code data and their signature as well as the software and its signature are stored in the control unit.”

The Office Action relies upon Drews’ disclosure of the various certificates included in the signed manifest 150 as disclosing the certificates recited in Applicant’s claim 7. These certificates are “a certificate chain 320 providing the identify of the signatory of signed manifest 150 and those entities which have bestowed signing authority to the signatory.”² Drews does not, however, disclose that these certificates include a clearing code site signature certificate and a software signature certificate as recited in Applicant’s claim 7. In other words, a general disclosure of a certificate chain does not satisfy the evidentiary requirement to render obvious the specific certificates recited in Applicant’s claim 7. Accordingly, claim 7 is patentably distinguishable over the combination of Wong and Drews for this additional reason.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-18 as being obvious in view of the combination of Wong and Drews be withdrawn.

New claim 19 is patentably distinguishable over the combination of Wong and Drews because the combination does not disclose or suggest a method that involves signed software. Claim 20 is patentably distinguishable at least by virtue of its dependency from claim 19.

² Col. 4, lines 35-38.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.53236US).

Respectfully submitted,

September 17, 2007


Stephen W. Palan
Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
SWP:crr
4052947